IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2082 OF 2006

Rajesh Ramchandra Korlekar ...Petitioner

vs.

State of Maharashtra & Anr. ...Respondents

Mr.J.B.Mishra for the Petitioner
Mr.A.S.Shitole, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 27,2006.

P.C.:

. Not on board. Taken on board.

1. Rule. Learned A.P.P. waives service. Taken up for hearing forthwith. An Appeal preferred by the Petitioner for challenging the order of externment under the Bombay Police Act,1951 is pending before the State Government. The Petitioner has submitted an application for stay of the operation of the order of externment. The learned Advocate for the Petitioner submitted that the Petitioner's father is seriously ill and therefore, stay deserves to be granted.

2. The order of externment has been passed on 19th September 2006. The Appeal has been preferred by the Petitioner on 22nd September 2006. An application for stay is yet to be decided. The prayer for grant of stay cannot be considered in this Petition as application for stay is pending before the Appellate Authority. Interests of justice will be served if Appellate Authority is directed to decide the application for

stay immediately.

3. Hence, Writ Petition is disposed of by passing the following order :

i) Application for stay made by the Petitioner before the Appellate Authority shall be heard and decided as expeditiously as possible and preferably within a period of seven days from the date of production of an authenticated copy of this order.

ii) All contentions on merits are kept open.

iii) Rule is partly made absolute in above terms.

JUDGE